

Attorney or Party Name, Address, Telephone & FAX Nos., State Bar No. & Email Address

WEILAND GOLDEN GOODRICH LLP
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☐ Individual appearing without attorney
☒ Attorney for: Chapter 7 Trustee Richard A. Marshack

FOR COURT USE ONLY

In re:
MICHAEL LOUIS HOLLANDER AND SUSAN WAXMAN
HOLLANDER,

CASE NO.: 8:15-bk-15006-SC
CHAPTER: 7

Debtor(s).

Sale Date: 06/26/2019

Time: 11:00 am

Location: United States Bankruptcy Court, Courtroom 5C, 411 West Fourth Street, Santa Ana, California 92701

Last date to file objections: 06/12/2019

Description of property to be sold: All of the Estate's right, title and interest in claims held by the Estate against Bank of America, N.A.

Terms and conditions of sale: Not subject to overbid. Sale is subject to Bankruptcy Court approval. Other terms and conditions apply; see motion on file with the Clerk of Court.

Proposed sale price: _____

Overbid procedure (*if any*):

If property is to be sold free and clear of liens or other interests, list date, time and location of hearing:

Contact person for potential bidders (*include name, address, telephone, fax and/or email address*):

Date: 05/30/2019

David M. Goodrich, State Bar No. 208675
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General Counsel and
Co-Special Counsel for
Richard A. Marshack, Chapter 7 Trustee

UNITED STATES BANKRUPTCY COURT

CENTRAL DISTRICT OF CALIFORNIA

SANTA ANA DIVISION

In re

MICHAEL LOUIS HOLLANDER AND
SUSAN WAXMAN HOLLANDER,

Debtors.

Case No. 8:15-bk-15006-SC

Chapter 7

**NOTICE OF HEARING ON MOTION FOR
ORDER APPROVING ASSET FOR
PURCHASE, SALE AND ASSIGNMENT
OF CERTAIN CLAIMS AGREEMENT AND
AUTHORIZING THE SALE OF THE
ESTATE'S INTEREST IN CLAIMS
PURSUANT TO 11 U.S.C.
§ 363(b)**

**DATE: June 26, 2019
TIME: 11:00 a.m.
PLACE: Courtroom 5C
411 West Fourth Street
Santa Ana, CA 92701**

**TO THE DEBTORS, CREDITORS, OFFICE OF THE UNITED STATES TRUSTEE AND
ALL PARTIES IN INTEREST:**

PLEASE TAKE NOTICE that on **June 26, 2019, at 11:00 a.m.** in Courtroom 5C of
the United States Bankruptcy Court for the Central District of California, Santa Ana
Division, located at 411 West Fourth Street, Santa Ana, California, the Court will hold a
hearing on the *Motion for Order Approving Asset for Purchase, Sale and Assignment of*

Certain Claims Agreement and Authorizing the Sale of the Estate's Interest in Claims Pursuant to 11 U.S.C. § 363(b) (the "Motion")¹ filed by Richard A. Marshack, the chapter 7 trustee ("Trustee") for the estate ("Estate") of Michael Louis Hollander and Susan Waxman Hollander ("Debtors"), which seeks an order:

1. Approving the Purchase Agreement and the sale and assignation of the claims held by the Estate for (1) breach of contract; (2) wrongful foreclosure; (3) intentional misrepresentation; (4) negligent misrepresentation; (5) false promise; (6) violation of the California Homeowner's Bill of Rights; (7) unfair business practices; (8) intentional infliction of emotional distress; and (9) negligent infliction of emotional distress (collectively the "Assigned Claims") against Bank of America, N.A. ("BANA") pursuant to 11 U.S.C. § 363(b);

a. To Michael Louis Hollander and Susan Waxman Hollander and/or assigns (the "Buyers"). Buyers will pay and cause to be paid to the Trustee, for the benefit of the Estate, from all proceeds and recoveries of any kind from or on account of the prosecution of the Assigned Claims, net only of any reasonable attorneys' fees and costs required to be paid by the Debtors from such proceeds to the legal counsel who represented Debtors in connection with obtaining such proceeds, the following sums: (a) the Trustee's commission; and (b) all allowed administrative claims in the Case.

2. approving the sale and assignation of the Assigned Claims without overbidding.

3. authorizing the Trustee to take any and all necessary actions to consummate the sale and assignation of the Assigned Claims;

4. waiving any requirements for lodging periods of the order approving this Motion imposed by Local Bankruptcy Rule 9021-1 and any other applicable bankruptcy rules; and

5. waiving the stay of the order approving this Motion imposed by Federal Rule of bankruptcy Procedure 6004(h) and any other applicable bankruptcy rules.

The Trustee asserts that the sale and assignation of the Assigned Claims is in the best interests of the Estate since the Estate will avoid the risk and costs associated with contentious litigation, however the Estate stands to benefit from any recovery obtained by the Debtors.

The Motion is based upon the Memorandum of Points and Authorities, the Declarations of Richard A. Marshack and David M. Goodrich and the Exhibits attached to the Motion, all pleadings, papers and records on file with the Court, and on such other

¹ All terms not specifically defined herein shall have the meaning set forth in the Motion.

evidence, oral or documentary, as may be presented to the Court at the time of the hearing on the Motion.

The Trustee is informed that there is not expected to be any tax liability to the Estate from the sale and assignation of the Assigned Claims.

Your Rights May Be Affected. You should read these papers carefully and discuss them with your attorney, if you have one. (If you do not have an attorney, you may wish to consult one.)

Deadline for Opposition Papers. The Motion is being heard on regular notice pursuant to LBR 9013-1. If you wish to oppose the Motion you must file a written response with the Court and serve a copy of it upon the Movant or Movant's attorney at the address set forth above no less than **14 days** prior to the above hearing date. If you fail to file a written response to the Motion within such time period, the Court may treat such failure as a waiver of your right to oppose the Motion and may grant the requested relief.

Hearing Date Obtained Pursuant to Judge's Self-Calendaring Procedure. The undersigned hereby verifies that the above hearing date and time were available for this type of Motion according to the judge's self-calendaring procedures.

PLEASE TAKE FURTHER NOTICE that any party requesting a copy of the Motion or any supporting documents filed with the Court with respect to the Motion may contact counsel for the Trustee, Ryan W. Beall, by email at rbeall@wgllp.com, by mail at 650 Town Center Drive, Suite 600, Costa Mesa, California 92626, or by telephone at (714) 966-1000.

Respectfully submitted,

Dated: May 30, 2019

WEILAND GOLDEN GOODRICH LLP

By: /s/ David M. Goodrich
David M. Goodrich
Attorneys for Chapter 7 Trustee,
Richard A. Marshack

Weiland Golden Goodrich LLP
650 Town Center Drive, Suite 600
Costa Mesa, California 92626
Tel 714-966-1000 Fax 714-966-1002

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**650 Town Center Drive, Suite 600
Costa Mesa, California 92626**

A true and correct copy of the foregoing document entitled (*specify*): Notice of Hearing on Motion for Order Approving Asset for Purchase, Sale and Assignment of Certain Claims Agreement and Authorizing the Sale of the Estate's Interest in Claims Pursuant to 11 U.S.C. § 363(b)

will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On (*date*) May 30, 2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On (*date*) May 30, 2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

Michael and Susan Hollander
24051 Oro Grande Lane
Mission Viejo, CA 92691

☒ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (*state method for each person or entity served*): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on (*date*) May 30, 2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

Served by Personal Delivery

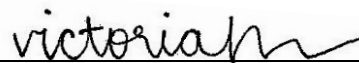
Honorable Scott C. Clarkson
United States Bankruptcy Court
Central District of California
Ronald Reagan Federal Building and Courthouse
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

5/30/2019
Date

Victoria Rosales
Printed Name


Signature

This form is mandatory. It has been approved for use by the United States Bankruptcy Court for the Central District of California.

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Adam N Barasch anb@severson.com, cas@severson.com;nye@severson.com
Jonathan C Cahill ecfcacb@aldridgepите.com, jcahill@aldridgepите.com;JCC@ecf.inforuptcy.com
Howard M Ehrenberg hehrenberg@sulmeyerlaw.com,
hehrenberg@ecf.inforuptcy.com;mviramontes@ecf.inforuptcy.com
David M Goodrich dgoodrich@wgllp.com, vrosales@wgllp.com;kadele@wgllp.com
Dennise S Henderson dshendersonlaw@yahoo.com, mammals10@yahoo.com
Megan E Lees caecf@tblaw.com
Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com
Joseph M Tosti jmtatty@aol.com, kathe.legal@aol.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
Carol G Unruh cgunruh@sbcglobal.net
W. Sloan Youkstetter SYoukstetter@FoxLaw.com

SERVED BY UNITED STATES MAIL:

Richard A. Marshack (TR)
Marshack Hays LLP
870 Roosevelt
Irvine, CA 92620-3663

Santa Ana Division
411 W. Fourth Street, Suite 2030
Santa Ana, CA 92701-4500

United States Trustee (SA)
411 W. Fourth Street, Suite 7160
Santa Ana, CA 92701-4500

AFNI, Inc./AT&T
3097 PO Box 3097
Bloomington, IL 61702

Airport Industrial Complex
c/o Richard L. Seide, Esq.
901 Dove Street, Suite 120
Newport Beach, CA 92660

AT&T
Sacramento, CA 95887

Bank of America Home Loan
PO Box 5170
Simi Valley, CA 93062-5170

Chase Bank
PO Box 15298
Wilmington, DE 19850

Citibank
c/o Capital Management Services
698 ½ South Ogden Street
Buffalo, NY 14206-2317

Citibank
PO Box 790034
St. Louis, MO 63179-0034

~~Citibank, N.A./Exxon~~
~~c/o Midland Credit Management~~
~~8875 Aero Drive, Suite 200~~
~~San Diego, CA 92123~~
MAIL RETURNED 04/11/18

Clear Recon Corp.
4375 Jutland Drive, Suite 200
San Diego, CA 92117-3600

CMRE Financial Services, Inc.
Attn: Bankruptcy Department
3075 E. Imperial Hwy, Suite 200
Brea, CA 92821-6753

Lamar Investment, Inc.
3000 S. Robertson Blvd., #215
Los Angeles, CA 90034-3156

SulmeyerKupetz, A Professional Corporation
333 S. Hope Street, 35th Floor
Los Angeles, CA 90071-1406

United States Trustee
411 W. Fourth Street, Suite 9041
Santa Ana, CA 92701-8000

W. Sloan Youkstetter
The Fox Law Corporation
17835 Ventura Blvd., Suite 306
Encino, CA 91316-3664

PROOF OF SERVICE OF DOCUMENT

I am over the age of 18 and not a party to this bankruptcy case or adversary proceeding. My business address is:

**650 Town Center Drive, Suite 600
Costa Mesa, CA 92626**

A true and correct copy of the foregoing document entitled: **NOTICE OF SALE OF ESTATE PROPERTY** will be served or was served **(a)** on the judge in chambers in the form and manner required by LBR 5005-2(d); and **(b)** in the manner stated below:

1. TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document will be served by the court via NEF and hyperlink to the document. On *(date)* 05/30/2019, I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below:

☒ Service information continued on attached page

2. SERVED BY UNITED STATES MAIL:

On *(date)* 05/30/2019, I served the following persons and/or entities at the last known addresses in this bankruptcy case or adversary proceeding by placing a true and correct copy thereof in a sealed envelope in the United States mail, first class, postage prepaid, and addressed as follows. Listing the judge here constitutes a declaration that mailing to the judge will be completed no later than 24 hours after the document is filed.

☐ Service information continued on attached page

3. SERVED BY PERSONAL DELIVERY, OVERNIGHT MAIL, FACSIMILE TRANSMISSION OR EMAIL (state method for each person or entity served): Pursuant to F.R.Civ.P. 5 and/or controlling LBR, on *(date)* 05/30/2019, I served the following persons and/or entities by personal delivery, overnight mail service, or (for those who consented in writing to such service method), by facsimile transmission and/or email as follows. Listing the judge here constitutes a declaration that personal delivery on, or overnight mail to, the judge will be completed no later than 24 hours after the document is filed.

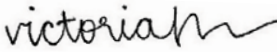
VIA PERSONAL DELIVERY

Honorable Scott Clarkson
United States Bankruptcy Court
411 West Fourth Street, Suite 5130 / Courtroom 5C
Santa Ana, CA 92701-4593

☐ Service information continued on attached page

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

05/30/2019 Victoria Rosales
Date Printed Name


Signature

TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF):

Adam N Barasch anb@severson.com, cas@severson.com;nye@severson.com
Jonathan C Cahill ecfcacb@aldridgepite.com, jcahill@aldridgepite.com;JCC@ecf.inforuptcy.com
Howard M Ehrenberg hehrenberg@sulmeyerlaw.com,
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David M Goodrich dgoodrich@wgllp.com, vrosales@wgllp.com;kadele@wgllp.com
Dennise S Henderson dshendersonlaw@yahoo.com, mammals10@yahoo.com
Megan E Lees caecf@tblaw.com
Richard A Marshack (TR) pkraus@marshackhays.com, rmarshack@iq7technology.com
Joseph M Tosti jmtatty@aol.com, kathe.legal@aol.com
United States Trustee (SA) ustpreion16.sa.ecf@usdoj.gov
Carol G Unruh cgunruh@sbcglobal.net
W. Sloan Youkstetter SYoukstetter@FoxLaw.com